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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,131	07/16/2003	William Paul Schmidt	ML 0166 PUS	1972
7590	08/15/2005		EXAMINER	
Steven W. Hays Suite 250 28333 Telegraph Road Southfield, MI 48034			ROBINSON, MARK A	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,131	SCHMIDT, WILLIAM PAUL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mark A. Robinson	2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5 and 8-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster (US 2877686) in view of Schmidt (US 4938578).

Foster shows a crossview mirror assembly including a mirror, frame(3) with tubular region, mirror mounting support (the shown central shaft) coupled within the tubular region of the frame and to the exterior of the vehicle (via bracket 1), an electronic servomotor actuator(M1,M2) coupled to the mirror and being actuated to swivel the mirror about an x-axis and about the center point defined by the central tubular region, and a toggle switch controller (note the first paragraph of col. 3) electrically coupled to the actuator and contained within the cab for controlling the actuator to move the mirror both clockwise and counter-clockwise about the center point (note

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fig. 3). Regarding claims 6 and 7, note that the mirror is limited in rotation about the center point to predetermined angles not greater than approximately 45 degrees in either direction (note col. 3 lines 23-55 and the 45 degrees limits shown in fig. 3).

Foster does not show the mirror to be arcuate and does not specifically show the mirror support to be mounted to the front surface of the vehicle. However, both of these features are well known and examples are shown by Schmidt (note arcuate mirror 14 and the teaching of mounting to the front of a vehicle in col. 1 line 11). It would have been obvious to the ordinarily skilled artisan at the time of invention to use an arcuate mirror in order to increase the mirror's field of view, and to attach the mirror support to the front of a vehicle either to accommodate a particular vehicle front-end design or in order to enable a complete field of vision of the front and both sides of the vehicle as taught by Schmidt.

### ***Response to Arguments***

3. Applicant's arguments filed 6/6/05 have been fully considered but they are not persuasive.

Applicant has discussed differences between a "crossview mirror" and a "rearview mirror." Applicant has argued that

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there is no suggestion or motivation to combine the teachings of the references and that such combination is not reasonable and would not be done. Specifically, applicant has argued that mounting a rearview mirror at the front surface of a cab and the use of an arcuate mirror would each not be contemplated for a rearview mirror such as that shown by Foster.

First, it should be noted that "crossview mirror" has not been specifically defined or otherwise limited to special structural features in the specification.

In response to applicant's arguments about motivation, it should be noted that the examiner provided a motivation for the combination of teachings in the rejection, i.e. in order to increase the mirror's field of view (via use of an arcuate or convex mirror) and to accommodate a particular vehicle front-end design (such as a flat-front truck or bus) or in order to enable a complete field of vision of the front and side of the vehicle (via mounting the mirror at the front of the vehicle). These motivations were found in the secondary reference to Schmidt as set forth in the rejection and thus do not constitute improper hindsight.

Further, applicant's arguments that the proposed combination would not be contemplated or done is not persuasive without sufficient evidence or reasoning as to why the proposed

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modification would not provide the benefits or advantages set forth in the rejection. Cited herewith are two patents to Schmidt (US 4500063 and US 4991814) which explicitly teach attaching a "rearview mirror" to the front end of a vehicle to increase or alter the driver's field of view.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

8/11/05

  
MARK A. ROBINSON  
PRIMARY EXAMINER